

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNUM LIFE INSURANCE COMPANY,

Plaintiff,

vs.

MARTHA EBBERSON, individually and as
legal guardian of minor children A.Y., Ai. Y.,
and Ar. Y.; A. Y., AI. Y., and AR. Y.,

Defendants.

8:20-CV-51

MEMORANDUM AND ORDER

This matter is before the Court on the Amended Findings and Recommendation of Magistrate Judge Cheryl R. Zwart ([Filing 29](#)) as modified by Order Nunc Pro Tunc ([Filing 33](#)) recommending the Court dismiss Plaintiff, Unum Life Insurance Company, as a party to the case once it has deposited funds in the amounts specified in the Court's Order Nunc Pro Tunc, [Filing 33](#).

The Court previously granted Plaintiff leave to deposit funds in the amount of \$8,449.55 and \$15,176.98 with the Clerk of the Court. [Filing 29 at 1](#); [Filing 33 at 1](#). Magistrate Judge Zwart recommended that once Plaintiff complied with the Order granting leave by depositing the funds with the Clerk of the Court it should be dismissed as a party to this case. [Filing 29 at 2](#); [Filing 33 at 2](#). Plaintiff has deposited the specified funds with the Clerk of the Court as ordered. The Court therefore adopts the findings and recommendation in their entirety and determines Plaintiff should be dismissed from the case. Accordingly,

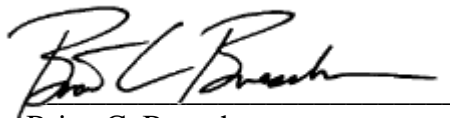
IT IS ORDERED:

1. Magistrate Judge Zwart's Amended Findings and Recommendation, [Filing 29](#), as modified by Order Nunc Pro Tunc, [Filing 33](#), are adopted in their entirety; and

2. Plaintiff, Unum Life Insurance Company, is dismissed as a party to the case;
3. As Unum Life Insurance Company is no longer a party to the case, its Motion for Default Judgment, [Filing 25](#), is denied as moot;
4. Cross-claimant's, Martha Ebberson's, Motion for Default Judgment against Marvin L. Young, [Filing 32](#), remains pending before the Court.

Dated this 27th day of May, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B.C. Buescher", written over a horizontal line.

Brian C. Buescher
United States District Judge